

Report and Recommendations

of the

Littering Control Council of Ontario

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LITTERING CONTROL COUNCIL OF ONTARIO

REPORT AND RECOMMENDATIONS

TO:

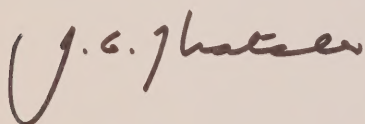
THE HONOURABLE GEORGE A. KERR, Q.C.

MINISTER OF THE DEPARTMENT OF
ENERGY AND RESOURCES MANAGEMENT

Sir:

We, the members of the Littering Control Council of Ontario,
appointed to examine possible measures for the control of littering,
submit herewith our report and recommendations.

Respectfully submitted

A handwritten signature in dark ink, appearing to read "J.C. Thatcher". The signature is written in a cursive style with a large, sweeping initial "J".

J.C. Thatcher, Chairman

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SECTION 1

COMPOSITION OF COUNCIL

CHAIRMAN:

J.C. Thatcher, Deputy Minister, Department of Energy
and Resources Management

MEMBERS:

J.S. Abra, General Manager,
Liquor Control Board of Ontario
Mrs. Doris Anderson, Editor, Chatelaine
Clive Attwater, Student, University of Toronto
W.C. Christner, Vice President, Thomas J. Lipton Limited
E.E. Fry, President, Continental Can Co. of Canada Limited
*Mrs. Paul Golightly, Burlington Citizens' Committee
for Pollution Control
J.D. Heaman, Director, Waste Management Branch,
Department of Energy and Resources Management
J.D. Mingay, President, Consumers Glass Company Limited
Mrs. Helen Morningstar, Consumers' Association
J. Voigt, Vice President, Dominion Stores Limited
J.A. Whitmore, Director of Corporate Relations, Coca Cola Limited
J.A. Whitten, Vice President, Christie, Brown and Co. Ltd.
*R.H. Woolvett, General Manager, Ontario Brewers' Institute

JOINT SECRETARIES:

L.G. Jamison, Executive Director, Packaging Association of Canada
W. Williamson, P. Eng., Assistant Director, Waste Management Branch,
Department of Energy and Resources Management

The following participated in one or more Council meeting as
alternates:

A. J. McIntyre	<i>for</i>	J. S. Abra
Mrs. Abrahamson	<i>for</i>	Mrs. Anderson
Mrs. Brechin	<i>for</i>	Mrs. Morningstar
K. Bethune	<i>for</i>	W. C. Christner
Mrs. Hendry	<i>for</i>	Mrs. Golightly
Mrs. Gardiner		

**Invited to become members of the Council subsequent to its formation.*

The following individuals were invited to attend Council meetings to make presentations, either on their own behalf, or as representatives of their associations:

R. J. Moynan, MacDonald and Son (North Bay) Limited

R. H. Peever, National Dry Limited, London

Gary Shaw and Mrs. Gray, POP Shoppes of Canada Ltd., London

D. E. P. Armour, Director, Ontario and Canadian

Softs Drinks Associations

D. Maedel, Ontario Soft Drink Association

C. Moser, Ontario Soft Drink Association

E. C. Lumley, Ontario Soft Drink Association

SECTION 2

NUMBER OF MEETINGS

Since its first meeting on December 10, 1970, the Council has met nine times.

The final meeting was held on April 29, 1971.

TERMS OF REFERENCE

The Council's terms of reference were:

1. to serve as a communications link between Government, concerned industries, and consumer groups, with respect to environmental problems resulting from littering
2. to examine trends in packaging and merchandising which may result in the proliferation of littering
3. to examine the standardization of packaging with respect to its effect on littering
4. to investigate anti-litter measures in other jurisdictions
5. to examine the effectiveness of educational campaigns to control littering
6. to examine the efficacy of receptacles and collection systems and their relation to the control of littering
7. to examine the social and economic effects of a regulatory program to control littering, and in particular the effects of deposits on reusable containers and of taxes on containers
8. to make recommendations designed to bring about a reduction in litter and littering.

SUMMARY OF RECOMMENDATIONS

- 1) The Council recommends that the following measures should be considered with a view to their incorporation in legislation or as departmental policy:
 1. Any person, municipality, or government agency owning or responsible for a public area shall provide adequate numbers of approved types of receptacles for litter located conveniently for use by individuals passing through or making use of the area
 2. Any person, municipality, or government agency owning or responsible for a public area shall ensure that adequate arrangements are made for the collection and disposal of litter from the receptacles at adequate frequencies by a waste management system approved under the Waste Management Act, 1970
 3. Any person who sells or offers to sell beer or carbonated beverages in reusable beverage containers in quantities of six or more shall provide cartons in which the empty containers may be returned
 4. Any person found littering is guilty of an offense and on summary conviction is liable to a fine of not more than \$100
 5. An information may be laid and a summons issued by means of a ticket, in accordance with detailed regulations, for first offenses
 6. Any person or municipality who contravenes provisions of the legislation, other than section 4, is guilty of an offense and on summary conviction is liable to a fine of not more than \$1,000
 7. The Minister should be given power to make subsidies and grants:
 - (i) to any person or municipality to assist in the provision of litter receptacles

- (ii) to organizations for the purpose of conducting educational campaigns for the preservation of the environment.
- 2) The Council urges that the full effectiveness of these measures be assured by conducting forceful educational, public relations and clean-up campaigns, and by the firm enforcement of regulations
- 3) The Council requests the Minister to consider the following alternative measures, and is confident that the opinions expressed in the report will provide the necessary background for an informed and impartial decision.

These alternatives are:

- 1. Basic program only
In addition to the basic program either
- 2. General tax on all goods sold in packaging which is related to the littering problem; or
- 3. All carbonated beverage containers to be returnable with minimum fixed refund; or
- 4. a) Minimum deposits on reusable carbonated beverage containers
b) Tax on all non-reusable beverage containers; or
- 5. In addition to alternative 4
All glass carbonated beverage containers to be of reusable type

INTRODUCTION

The Council is aware of the mounting public concern about litter and of the pressure on government to take action, particularly with regard to the increase in glass and metal containers appearing in litter.

Resolutions opposing the non-returnable container have been passed by the Ontario Municipal Association and the Association of Ontario Mayors and Reeves, many individual municipalities, and organizations concerned with maintenance of the environment. A large number of communications from individual members of the public on the subject have been addressed to government and, in addition, to stores, consumers' associations, the press and magazines.

Representatives of a broad spectrum of industry associations were invited by the Minister to a meeting on July 27, 1970 to obtain their views, and arising out of this meeting and a further meeting in October 1970, the Minister decided to form a Council to examine the adequacy of anti-littering programs proposed by industry, and the effects of possible legislative controls.

The formation of the Littering Control Council of Ontario was announced on December 23, 1970, after its inaugural meeting on December 10, 1970, at which its terms of reference were agreed upon.

The Council recognizes that its composition has been criticized because of the apparent preponderance of representatives of industries, and a lack of representation from groups concerned with ecology and the preservation of the environment.

This appears to have been due to a misunderstanding of the purpose for which the Council was established by the Minister. It was not considered necessary to obtain further evidence that litter is a serious and constantly growing environmental problem, or that prompt and positive action is required to control it. This position was accepted by the Council without discussion.

The Council was formed to obtain advice and factual information from those likely to be most affected by the various possible measures of control; the industries who may have to make major adjustments to production and merchandising practices, involving in

some measures proposed very substantial capital investment and possibly some degree of dislocation and unemployment; and the consumer, the general public, who may have to accept some loss of convenience and increased cost of purchases. These were the groups whose representation on the Council was considered essential.

SCOPE OF ENQUIRY

The Council recognizes the complexity of the subject, and the lack of reliable information, even on such basic aspects as the proportion of various types of material appearing in litter, or, as another example, the effects of age, social position, or occupation, on littering practices.

However, the Council considered that sufficient general information was available from surveys and opinion polls in other jurisdictions to provide the necessary background for the consideration of control measures. Detailed surveys, with rigorous controls, and sufficiently comprehensive to provide significant statistical data, may be necessary for the detailed development of a program and to determine the effectiveness of any program undertaken. However, this is a long-term project, and it was considered unlikely to affect the Council's consideration of the immediate problems, particularly in view of the very strong influence of local conditions, and the wide variation of consumer purchasing practices even within a limited area, such as Metropolitan Toronto.

The general background to the overall problems of littering, packaging and waste management was set out in a paper presented to the Council by the Waste Management Branch. The purpose of this paper was to provide a structured framework for the Council's deliberations, to set out objectives, and to describe in general terms possible control mechanisms. The following section of this report on "General Background" is largely based upon this paper.

A presentation was made by the industrial representatives describing the elements of a public relations and educational campaign which the Council examined in detail. Various aspects of this presentation appear under the headings "Education and Motivation" and "Anti-littering facilities" in Section 9.

A number of legislative measures in other jurisdictions, either implemented or proposed, were examined by the Council. It was found, as might be expected, that these represented a limited number of basic approaches, essentially five, and these were discussed extensively. The pros and cons for each approach, uncovered by this discussion, are reported under the heading "Additional Measures

Directly Affecting Containers” in Section 9.

A number of valuable contributions by individuals, groups, and associations was received by the Council and taken into consideration. Also, at the request of the Council, representatives of more specialized interests attended Council meetings to make presentations and to answer specific questions.

GENERAL BACKGROUND

In the overall context of littering and waste management, there are four basic problem areas which are often confused. In fact, while these areas are undoubtedly closely interconnected, as any program for one may have significant effects upon the others, they vary widely in the urgency with which a solution is required, the means necessary to obtain and implement a solution, and the effectiveness of possible measures of control with regard to adequacy, acceptability, and real cost.

These problem areas are:

1. Broken Glass in Litter
2. Littering Generally
3. Reuse, Recycling and Reclamation
4. Waste Management Generally

1. Broken Glass in Litter

This is one particular aspect of the overall litter problem, but it is a major cause of concern to the general public, as it may result in a direct health hazard, particularly to children in recreational areas and in school yards.

Certain other allegations of hazards due to broken glass in litter are difficult to verify by reliable evidence. These include injuries to cattle, damage to tires, and the contamination of grain by broken glass.

While only very limited statistical data is available, certain facts appear self evident. Broken glass is an undoubted hazard. It persists indefinitely, and therefore the hazard is cumulative.

Since the "convenience" container is designed to be discarded after use, it appears more likely to be discarded improperly. There is some doubt whether the non-returnable type bottle shatters more readily than the reusable type, but as the non-returnable is thinner walled, it would appear to represent at least a similar degree of hazard.

Evidence from litter surveys indicates that only a small proportion of containers used appear in litter, and glass containers

account for about six per cent of total litter. However, even this small proportion represents a large and continually increasing number of individual containers which are generally considered the most objectionable part of litter, both from an aesthetic and health hazard standpoint, and particularly because of their relative permanency.

Surveys also indicate that at present deposit levels approximately the same number of reusable and one-way bottles are likely to appear in litter. As about three reusable bottles are sold for each one-way bottle, it would appear that the deposit tends to reduce the number of the reusable type discarded as litter. However, the statistical implications are doubtful, due to the number of indeterminate factors involved.

There is no question that under present conditions any increase in use of non-reusable bottles at the expense of the reusable type will result in an increase in the number of bottles appearing in litter.

Essentially, the Council's consideration of this aspect was directed to the question "does the hazard involved justify the expressed public concern and, consequently, does it justify the adoption of special measures to ensure a reduction of broken glass in litter?"

2. Littering Generally

Littering can be defined as the careless or deliberate discard of unwanted materials by individuals in public areas.

The bulk of the material discarded as litter consists of packaging for consumable goods used by people who are travelling or using recreational areas.

An increase in litter and littering has occurred in the past few years, and this trend is continuing. Some of the reasons are obvious: the very great increase in material sold in separate single-use packaging; the affluence of a society which can afford to throw things away, and the lessened effect of small deposits as an inducement to return reusable packaging; the increase in travel and out-of-door recreation which increases the opportunity to litter; the inadequacy of litter receptacles provided; and until very recently, the indifference of the general public.

The composition of litter, as indicated by surveys, requires to be approached with some caution. Usually, material in the various

categories is listed by numbers of items and exactly the same emphasis is given to a discarded candy wrapper as to a discarded can or bottle. This, of course, implies that any report on the constituents of litter by percentage composition of such general classifications as paper, cans, or bottles is of very limited value.

From an examination of public opinion polls, certain general statements can be made on the types of people most apt to litter.

The littering practices of adults between the ages of twenty-one to thirty-five are more than three times greater than those of persons over fifty, and nearly twice those in the age bracket of thirty-five to forty-nine. This is almost certainly a reflection of the greater opportunity to litter, resulting from the fact that younger people travel more and spend more time out of doors than older people. It is probably also related to the greater quantities of litter produced by families with small children.

Nearly twice as much littering is done by men as by women. Again, this may result from the greater opportunity to litter, resulting from the time spent by men going to and from work, and in the greater time spent out of doors.

With respect to the "why" of littering, two main reasons were given:

1. Carelessness, laziness, or indifference
2. The lack of litter receptacles available

There appear to be two types of people who litter. The "casual" litterer, a class which probably includes every one of us at one time or another, even if our littering activity consists only of the discard of an candy wrapper or cigarette package, and a small hard core of individuals who, for whatever reason, litter deliberately.

The casual litterer can be reached in a number of ways including education and, for example, the provision of adequate numbers of litter receptacles, but it is important to recognize that only very substantial deterrents will affect the deliberate litterer.

It also appeared that while the majority of people are in favour of laws and fines against littering, the same people would not take individual action to stop littering by other people.

In this connection, it is worth noting that in the majority of communications received by the Department from individuals,

citizens' groups, and organizations representing the public, government action was called upon to "ban the bottle" or require all containers to be returnable, without any suggestion that other measures might also be necessary, or any indication that the individual may have some responsibility for littering.

No single measure, whether this takes the form of an educational campaign, a clean-up campaign, or restrictive legislation on containers, is likely to be effective alone. Many different approaches may be required but the active co-operation of the public is the one essential element for any solution.

The collection and disposal of litter at present, and in the greater part of Ontario for some years to come, must depend upon the proper utilization of existing methods and existing facilities, improved when necessary to standards satisfactory to all the government agencies concerned.

The Waste Management Act and an accompanying Regulation, which came into effect on the first of September 1970, were designed to provide the necessary measures of control, and will ensure the proper operation of the waste management systems and waste disposal sites necessary for this purpose.

3. Re-use, Recycling and Reclamation

The only ultimately satisfactory approach to the proper management of waste will undoubtedly be by emphasis on re-use, reprocessing and reclamation, as opposed to disposal. However, this is an extremely complex problem, and investigation and research in many fields are required to obtain a satisfactory solution which can be applied without exorbitant cost even in areas of population concentration such as Metro Toronto. Province-wide application is most unlikely without radical improvements to present transportation methods, for example.

Unquestionably, there are many aspects which urgently require attention, including research into the feasibility of collection centres for home separated material as an alternative to central municipal separation and reclamation plants, and the possibility of reduction at source.

At this stage, a significant contribution to resource conservation might best be achieved by concentrating on the reprocessing of industrial wastes, of paper products, and of putrescible wastes for return to the land.

All members of the Council are in complete agreement that re-use, recycling and reclamation are the only rational ultimate solutions to the constantly increasing problems of waste management. However, the primary concern of the Council must be the reduction of litter and littering by the most efficient means. While any measures to control littering must be examined critically to determine the possible effects upon any future reclamation systems, this should not be permitted to influence unduly a decision on littering control measures.

4. *Waste Management Generally*

The effect of packaging on waste management practices must be kept in perspective. At present, packaging represents less than one-half of the domestic waste produced, about one quarter of total municipal waste, and a much smaller fraction of the total if all industrial wastes were included.

It is true that the substantial increase in the per capita production of domestic waste over the past few years can be largely ascribed to the increase in acceptance and use of pre-packaged materials and convenience single-use merchandise, and the encouragement this gives to a throw-away philosophy.

These questions have very little relation to the littering problem, with one significant exception. Over the long term, educational campaigns directed towards making littering a socially unacceptable practice will, if effective, discourage the abuse of 'convenience' merchandise.

Beverage containers do not contribute at present to any significant degree to the problems of waste management, either in terms of volume, pollution, or increased difficulties in disposal, though this may not necessarily be the case in the future.

AGREED OBJECTIVES

The basic objectives of a littering control program were discussed by the Council and accepted by all but one member, with some reservations on the order of priorities of the various items.

These objectives are of the utmost significance in the assessment of alternative methods of control and are set out below.

The principal objectives of a littering control program are:

1. to reduce by positive measures the incidence of litter generally, and the hazard resulting from broken glass in litter
2. to make littering a socially unacceptable practice by a long-term educational program
3. to encourage the development and use of containers which have a minimal effect on the problem of litter
4. to take measures which will encourage the parallel development of packaging materials which are rapidly and safely degradable, or in a more suitable form for reuse, reprocessing, or reclamation.

PROGRAMS EXAMINED BY COUNCIL

A. Basic Program

A program was submitted to the Council by the industry representatives collectively which included proposals for measures discussed under the following headings:

- a) Education and Motivation
- b) Anti-litter Facilities

a) Education and Motivation

The objective of such a program is to make people aware of their responsibilities, and to encourage them to stop littering and to stop others littering.

It would be directed toward

- i) young people through schools and youth organizations
- ii) users of recreational facilities through outdoor organizations, conservation groups, government agencies such as the Department of Lands and Forests and Conservation Authorities
- iii) motorists through their associations, and the Departments of Highways and Transport
- iv) the general public through municipalities, consumers' groups and other associations concerned with the protection of the environment

The ultimate aim of these measures would be to make littering a socially unacceptable practice.

The campaign in schools, as outlined in the industry program, would include the provision of teachers' manuals, books for students, posters, and project guides on community and school cleanliness, and on individual littering habits.

It was suggested during the Council's discussions that local anti-pollution organizations, particularly those linked with universities, should be involved to the greatest degree possible in the educational campaigns. It was also suggested that the detailed development of individual programs should be left as

much as possible to the students after the provision of basic information and suggestions for action.

The industry proposal also emphasized the need for widespread exposure to an anti-littering symbol and slogan, which would appear on litter bags and litter receptacles, on advance signs indicating that receptacles are available ahead, on road maps, bumper stickers, and posters. Heaviest coverage would be provided at such locations as provincial tourist information points, service centres, drive-in restaurants, picnic and recreational areas. A number of members of the Council considered that the provision of litter bags at such locations would be of considerable assistance.

That part of the industry program dealing with media advertising resulted in a thorough discussion of the objectives of such a campaign and the groups to which it might be aimed most profitably. A number of members emphasized that the campaign should be designed for and directed toward the casual litterer. The hard-core of deliberate litterers was unlikely to be affected by either advertising or educational campaigns directly.

It was suggested that a motivational research study should be undertaken as a first step to develop effective long-term public relations campaigns.

The point was also made by several members that any such campaign might do more harm than good in the long run unless the public are provided with proper facilities for disposal of their litter, and unless positive action is taken and publicized to demonstrate that government and industry are also deeply concerned and deeply involved.

b) Anti-litter Facilities

The Council believes that the most important single measure which can be taken would be to ensure that a more than adequate number of litter receptacles, specifically designed for the purpose, are provided and located conveniently for use by individuals passing through or making use of any public area.

Public areas would include roads, streets, beaches, parks, playgrounds, marinas, camps, drive-in restaurants and

cinemas, and other recreational areas.

An accumulation of evidence is available indicating that present facilities are inadequate, effectively discouraging the individual from disposing of his litter properly.

Litter receptacles should be leakproof, flyproof, and provided with an internal container either disposable or easily removed and replaced for cleaning on the spot, or at depots.

Several standard designs might be desirable:

1. For use at highway pull-offs and drive-ins
2. For use at playgrounds, picnic spots and recreation areas designed for use especially by children
3. For use at picnic and camping areas, where comparatively small receptacles with disposable internal containers should be available at each site with a number of large containers strategically distributed where the individual bags of litter can be deposited
4. For use on streets in built-up areas, where a large number of smaller containers is preferable

The receptacles must be easily recognizable, and attractive to the user.

Linked with the provision of receptacles is the necessity for the frequent collection and disposal of litter from the receptacles by an approved Waste Management system.

After discussing a number of alternative possibilities, the Council agreed that a provision of any legislation introduced should be a requirement that all persons, municipalities or Government agencies owning or responsible for public areas must provide adequate numbers of approved types of receptacles for litter, located conveniently for use by individuals passing through or making use of the area.

Council also agreed that it was equally necessary that such persons, municipalities or government agencies should be made responsible for ensuring that arrangements were made for the collection and disposal of litter from the receptacles at adequate frequencies by an approved Waste Management system.

The industry members believed that a number of trade associations would be prepared to provide disposable litterbags as a service to motorists and boaters. Bags could be made available from service stations and marinas, at the entrances to parks and other recreational areas, and possibly included with purchases of cartons of soft drinks in non-returnable containers.

In addition to the above, the following measures were also considered:

- c) Clean-up Campaigns
- d) Penalties for Littering
- e) Grants and Subsidies

c) Clean-up Campaigns

These could be organized as voluntary programs by public service organizations in co-operation with government agencies and municipalities, involving young people as much as possible.

The practical involvement of young people in the program would in itself be a major educational measure.

d) Penalties for Littering

Generally, penalties may range from warnings and minor fines to discourage the casual litterer, which should be looked upon as essentially a part of the educational program, to somewhat heavier penalties for subsequent offences as such flagrant violations as deliberate breaking of glass bottles.

For most minor offences a verbal warning may be adequate in the first instance, possibly reinforced by a suitably worded postcard mailed to the offender.

More serious contraventions, if first offences, could be penalized by laying information and issuing a summons by means of a ticket resulting in a ten dollar fine without the necessity of a hearing in court.

For further offences, or one which might result in a health hazard, provision should be made for much more substantial fines up to \$100. Provision should also be made for substantial fines for contravention of the provisions of other regulations which may be made not directly connected with littering by the individual. In both cases, such fines would be imposed only after a court hearing.

Members of the Council made a number of suggestions to make legal action possible in cases where litter is thrown from a vehicle.

It was determined that under the Highway Traffic Act the owner, driver, or operator of a vehicle is equally liable to the penalties provided for littering the highway, and is liable to a fine of not less than \$20 and not more than \$100. The Council suggests that consideration be given to such offences resulting also in a loss of points under the point demerit system.

Such measures as, for example, requiring those convicted of littering to clean up litter from a specified area met with strong opposition from some Council members. "Extraordinary punishments" of this type were considered to be bad in principle and might prove to be discriminatory in practice.

e) Grants and Subsidies

The Council is of the opinion that the provision of litter receptacles and litter collection systems is an essential part of an anti-littering program. It is recognized that these may not be provided on an adequate scale without financial assistance.

The other measures described in the basic program will also require substantial expenditures to be effective.

The Council urges that very serious consideration be given to the means by which the funds will be provided which are necessary for the effective implementation of any legislation introduced.

B. Additional Measures Directly Affecting Containers

The five basic alternatives examined by the Council are not all mutually exclusive. The diagram (see next page) illustrates possible relations between the alternatives, and shows in addition certain other measures which may be considered necessary for their effective implementation.

The diagram shows that the alternatives comprise:

- (1) The basic general program described in the previous section a) to e) without additional measures either of control on containers, or of taxation
- (2) A general tax intended primarily to obtain funds for the implementation of the basic program
- (3) A requirement that all beverage containers, whether glass, metal or plastic, be returnable with minimum fixed refunds, similar to the recently enacted legislation in the Province of British Columbia. This is, of course, assumed to be in addition to the basic program and could be applied either with or without the general tax requirement. If such a program were implemented, it might be necessary as a further step to arrange for the setting up of collection depots for the used containers
- (4) As an alternative to (3), a requirement for minimum deposits on reusable containers and tax at the retail level on containers that are not reusable. It should be noted that, as in the case of alternative (3), this measure is assumed to be additional to the basic program described, but in this case the cost of the basic program would be met from the tax measures incorporated. If this program were accepted, other controls would be desirable to ensure that reusable containers would not be discriminated against by retailers
- (5) The requirement that all glass carbonated beverage containers must be of the reusable type. This is a further control measure which could be applied particularly in addition to alternative (4)

All of these measures were discussed in detail by the Council, and the various views expressed, together with those included in presentations to the Council and submissions to the Department, are summarized in the following sections.

A – BASIC PROGRAM

ALTERNATIVE 1

1. Provision of litter receptacles
2. Warnings, "tickets" and fines
3. Educational campaigns
4. Clean-up campaigns
5. Grants and subsidies

ALTERNATIVE 2

General tax at
federal level

B – ALTERNATIVE MEANS OF CONTROL OF BEVERAGE CONTAINERS

ALTERNATIVE 3

- a) All carbonated beverages
containers returnable
with minimum refunds
fixed as in B.C. type Act

- b) Setting up of collection
depots

- c) Setting up of reclamation
facilities for beverage
containers collected.

ALTERNATIVE 4

- a) Minimum deposits fixed on
reusable glass bottles
- b) Tax on all non-reusable
beverage containers.
- c) Retailer must give equal
access to all types of
container
- d) Retailer must accept
reusables of type he
sells

ALTERNATIVE 5

- e) All glass carbonated
beverage containers must
be reusable

Relationships Between Alternatives

One point should be clarified beforehand. There is obviously a good deal of confusion regarding the terms 'returnable' and 'reusable'. A reusable container means a container which is returnable after use or consumption of the contents *for reuse as a container*, and for which a refundable deposit may be charged. The reusable type bottle is fundamentally different from the 'one-way' type bottle, which is not designed to be refilled and reused.

The 'one-way' bottle can be made returnable, but cannot be refilled and reused.

ALTERNATIVE 1

Basic General Program Without Additional Control Measures or Taxation

In general, the arguments for this position incorporated also the majority of the arguments against the other alternatives considered. These will be examined in detail under the separate headings, but can be briefly summarized:

- a) Because beverage containers form only a proportion of litter, and only a small proportion of containers are discarded improperly, action against them alone would be discriminatory
- b) The other measures of control are unworkable, would result in a major dislocation of industry, cause unemployment, and would not result in any reduction in litter
- c) The public want convenience packaging and their freedom of choice should not be restricted
- d) It would be unjust to impose restrictions or taxes on the majority of responsible consumers who do not dispose of containers improperly

These questions will be discussed in greater detail under the separate headings together with the arguments in rebuttal.

Members in favour of this position felt strongly that the other measures agreed in the basic program, including particularly education, would be adequate in themselves. Littering, in their view, is a problem of individuals and can only be solved by measures directed to the individual. In fact, restrictive action by government may encourage the individual to feel that he need not concern himself, that it is no longer his personal responsibility.

It was also suggested that the problems of litter, and particularly of broken glass in litter, have been exaggerated, resulting in an emotional over-reaction. This does not imply that the problem is not a serious one which requires prompt action. However, it would be self-defeating to impose unnecessary restrictions which might result in greater problems than those they were intended to solve.

Generally, members in opposition to this alternative took the position that, while it was agreed that the basic program was essential, it would not be adequate or fully effective without

additional and more direct measures. The widespread public concern of individuals and organizations could not be ignored, and was supported in their opinion by the available evidence. Broken glass in litter is an undoubted hazard which is cumulative as it persists indefinitely.

While it is agreed that only a small proportion of containers used appear in litter, this small proportion represents a large and increasing number of individual containers, which form the most objectionable part of litter, particularly because of their relative permanency.

Further, there is little question that the single use "convenience" container encourages the individual to discard it.

Perhaps most important, in their view, public co-operation and involvement in the program is essential if a long term solution is to be obtained, and in the present climate of public opinion this is unlikely unless the basic program is reinforced by a strong, positive, and immediate indication that the public's concern is shared by government and industry. The most effective means of demonstrating this concern is by government action directed specifically to reduce at the earliest possible date the number of containers, and particularly glass bottles, appearing in litter.

A point to be noted in connection with the "basic program", which was taken as an argument in favour of either side depending upon its interpretation, is that such a program does not appear to have been implemented as yet in any other jurisdiction. Legislation of this type is under consideration elsewhere, but its full effectiveness will only be determined by operational experience.

This proposal was supported by all "industry-oriented" members without exception.

It was opposed, again without exception, by all "public-oriented" members, though some of these indicated that it might be acceptable as a compromise second choice, providing that there was a firm commitment to apply measures of direct control on containers if experience indicated that the basic program was not fully effective, or if the present trend to convenience containers continued.

ALTERNATIVE 2

A General Tax on Products Packaged In Material Which May Appear in Litter

Generally, in the littering and waste management context, a tax may be used to serve two purposes:

1. A general tax for the purpose solely of providing funds to pay for other measures of control
2. A differential tax which could be used to encourage the development and use of particular materials which result in minimal problems

The tax suggested in this alternative is solely for the purpose of providing funds, and would be collected at the manufacturing and/or wholesale level based upon a percentage of the value of the products manufactured and sold. Only those products in packaging or containers which are reasonably related to the litter problem, or the products themselves, if they appear in litter, would be taxed, including, among others, food, groceries, tobacco, beverages, newspapers and magazines, household paper and paper products, glass, metal and plastic containers, cleaning agents and toiletries, and none-drug drugstore sundry products.

Such a tax appears to be of an indirect nature and constitutionally under the control of the federal government. It is suggested that the monies be collected by the federal Department of Revenue and distributed to the provinces on a per capita basis.

This proposal received very limited support in council, though it was accepted as a second choice by some "industry oriented" members.

Arguments in favour were based principally upon the realization that the measures described in the basic program would be ineffective as a means of littering control unless adequate funds were made available. It is recognized that priorities in expenditure must be set by the provincial government, which might well result in inability to divert funds to this program, and it would be desirable if they could be obtained from a separate source set up for this particular purpose.

It was also considered that by limiting the tax to those industries with some relation to littering, it would be more acceptable both to industry and to the general public.

Moreover, this would be an indication to the public of government and industry concern, and would therefore assist in obtaining public co-operation with other measures.

The tax rate suggested is .015 per cent or \$150 tax for every million dollars value of goods manufactured or sold in these classifications.

A large number of arguments were advanced against this proposal.

Apart from the stand that such taxation was wrong in principle, it was criticized on the basis that the tax is not related to the type or quantity of packaging used, but only to the cost of the material packages. Of the classifications to be taxed, only newspapers and magazines, and household paper and paper products appear directly in litter. In other instances, only the package or container is likely to appear, and not the material contained in the package. There is obviously, therefore, very little real relation between the tax and either littering control or waste management.

While a number of members would be in favour of a preferential tax on packaging and containers, which would, for example, encourage the use of reusable containers and discourage packaging materials contributing to litter or resulting in waste management problems, they appreciated the difficulties and complexity of such an approach being applied generally. They would support a first step in this direction by a tax applied on non-reusable containers, as in Alternative (4) to be discussed later, but felt that the general tax described in this proposal does not encourage any change in practice by either industry or consumers which would reduce the litter resulting from packaging.

It has the disadvantage that the individual, having paid his tax, is apparently relieved of responsibility, and yet it is an ineffectual means of demonstrating the concern and sincerity of either industry or government.

Finally, since such a tax could only be applied at the federal level, it would require an approach from the province, which might or might not be successful and, in any event, would be unlikely to result in action for a very considerable period.

None of the "public-oriented" members found this proposal acceptable either as a first or as a second choice.

ALTERNATIVE 3

Requirement that all beverage containers be returnable with minimum fixed refunds, as in British Columbia type legislation.

It is important to note that this measure does not require containers to be of the reusable type. The only requirement is that, if they are returned by the consumer, a fixed amount, in British Columbia two cents, will be paid. The proposal considered by Council was on the basis of an increased refund of five cents for containers of capacity twelve ounces or less, and ten cents for containers of capacity greater than twelve ounces.

Reusable type bottles would be returned through the retailer, but it would probably be necessary to set up collection depots for the return of one-way bottles and cans.

Those in favour of this alternative appeared to base their position at least as much upon the opportunity it may present to encourage the reclamation of containers as upon its merits as a measure of litter control.

In their view, it will ensure that the opportunity is provided to the public to return all containers, glass, metal, and plastic, to central depots, and will facilitate the setting up of reclamation plants where the waste can be recycled.

In their view, this measure will avoid the problems which would be imposed upon the bottling industry by an outright ban on non-reusable bottles.

Such a measure will probably receive the support of the public and the organizations opposed to one-way bottles, and with the other measures included in the basic program should result in a high proportion of returns to the central depots with a consequent reduction in litter.

In opposition, it was urged that considerations of recycling waste should not be permitted to determine the measures to be taken against littering. Other approaches being seriously considered may be very much more effective, and if implemented would certainly result in the recycling of a much wider range of materials than beverage containers which, it is agreed, form a comparatively minor element of the overall waste management problem.

It was also argued that the technology for reclamation facilities is not yet fully developed and could not be implemented, except at

exorbitant cost which would certainly require subsidy. Further, even if such facilities were established, they would be confined to areas of dense population. Problems of transportation would prevent them from being used to service the greater part of Ontario, where the only solution would be to remove the containers from the central depots to the nearest disposal site. Since the bulk of containers is at present discarded by the householder with the remainder of his waste and disposed of properly, the public is unlikely to co-operate with a program which requires additional effort without any apparent benefit.

Perhaps the most important argument against this measure is that it does not encourage any change in the very marked trend toward the increased acceptance and use of one-way convenience containers as a replacement for the reusable type bottle, which was agreed by all members of the Council to be the best and simplest method of recycling.

Those opposed to the measure emphasized that experience in British Columbia to date appeared to indicate that this type of legislation served, in fact, to accelerate the present trend to cans and plastics at the expense of the glass bottle and particularly the reusable bottle. This appeared to be due primarily to action at the retail level to reduce handling costs. It was forecast that the end result would be the disappearance from the major markets, and certainly the chainstores, of soft drinks except in private brand cans. The end result would be a very substantial curtailment of the consumers' choice, both of beverage and of container.

At the two-cent refund level, as in the British Columbia legislation, this approach appears unlikely to have any substantial impact on the general problem of littering, except to replace glass by cans and plastic, and to eliminate the reusable glass bottle. The comment was made that it was now cheaper to buy the convenience container and throw it away, than to buy the reusable container and return it for refund. This appears to be due in part to the very low percentage of returns of convenience containers. The two cents saved by the industry on each container not returned by the consumer can be used to reduce the original price, and improve the competitive position of the convenience container.

In the view of those opposed to the measure, the higher deposit level suggested would merely mean further acceleration of the trends described and, effectively, a higher cost to the purchaser.

All of the “industry-oriented” members were opposed to this proposal, but it received a degree of support from the “public-oriented” members as a second choice.

ALTERNATIVE 4

As an Alternative to (3), a Requirement for Minimum Deposits on Reusable Containers and a Tax at the Retail Level on Containers That are not Reusable

A minimum deposit of five cents was suggested for reusable containers of capacity twelve ounces or less, and of ten cents for reusable containers of capacity greater than twelve ounces. A three-cent tax would be imposed on each non-reusable container of capacity twelve ounces or less, with a six-cent tax on containers of capacity greater than twelve ounces.

The level of tax is set in relation to the deposit to provide, at present price levels, an approximately equal shelf price for both reusable and convenience containers. Shelf price is the amount paid by the consumer including either deposit or tax, and although the cost of the beverage in the reusable container would be five cents less, there is not doubt that the shelf price, the amount of cash payment required, has a strong influence on purchasers.

Those in favour of this measure hold the view that under present circumstances the most significant step which can be taken to reduce broken glass in litter, and at the same time to effect an overall reduction in the number of glass containers discarded, is encouragement to reverse the present trend and induce the consumer to revert to the purchase of reusable bottles.

It is considered that this measure would very effectively achieve this objective by offering a saving of five cents to the consumer who purchases and returns the reusable type. At the same time, it retains the benefits of convenience packaging for the consumer who is willing to pay for it, without penalizing those who are prepared to make the additional effort involved in returning the reusable type.

It does not discriminate against a particular container material as would be the case in Alternative (5) where all glass soft drink containers must be of the reusable type, or as would almost certainly occur in practice if Alternative (3) were implemented, by driving the reusable type bottle from the market and encouraging the trend

towards sales in cans.

The measure could be implemented immediately, and is not contingent upon the setting up of collection depots as in Alternative (3), or the delay necessary in Alternative (5) for the changeover of production equipment and utilization of existing stocks of non-reusable bottles.

The "convenience tax" would be used to pay for the other measures of littering control described in the basic program, and could also be used to encourage the setting up of reclamation facilities.

Proponents of this measure consider that it is sufficiently forceful to satisfy public concern and obtain the necessary public co-operation. With this co-operation, it is considered that all the objectives of the anti-littering program can be obtained without a complete ban on all non-reusable glass containers, but if it were found at a later date that this was not the case then such a ban could be introduced.

Supporters of the measure appreciate that to make it effective the consumer must be given a real choice between reusable and convenience containers, which may not be the case at present, as choice is effectively restricted by competition among the producers and retailers.

In their view, to make the measure fully effective, two additional requirements are desirable:

- a) That all retailers offering carbonated beverages for sale in non-reusable containers must also offer for sale the same type and brand in reusable containers of similar capacity and give equal shelf and display space, prominence, and advertising to both
- b) That a retailer must take back any reusable container of a type he normally stocks, and pay on return in cash

They point out, also, that a number of the smaller bottlers in Ontario have expressed themselves in favour of a measure of this type.

Those against the measure point out that it is unlikely that the shelf price would remain equal since the stores could impose a variable mark-up, for example, to cover the handling costs on

reusables.

Further, no incentive is provided to overcome the acknowledged reluctance of stores to handle reusable bottles, and any attempt to require them to do so by regulation would be unworkable.

It was pointed out in Council discussion that some stores have more bottles returned than they sell, which aggravates their handling problems and costs, and such problems would not be solved by the measure described.

It is considered that the full impact of this provision to reduce littering would not be achieved without the requirement that any store must take back any reusable container of any type.

Some members also emphasized the unfairness of taxing, at such an extreme level, a small segment of the many industries whose products appear in litter. They pointed out, in addition, the unlikelihood, from past experience, of such a tax continuing to be used solely for anti-littering measures.

Some members felt strongly that the freedom of choice of the retailer, and his freedom to carry out business unhampered by restrictions, should not be affected by government action.

A number of the industry oriented members emphasized that this alternative was equally unacceptable as Alternative (3) and Alternative (5), and would similarly result in an overall reduction in soft drinks purchased because of the increased cost, and therefore in unemployment.

None of the industry oriented members were in favour of this alternative, and it had only limited support from the consumer-oriented members.

ALTERNATIVE 5

The Measures Described in Alternative (4) with the Additional Requirement that all Glass Carbonated Beverage Containers Must be of the Reusable Type

While it is possible that this requirement could be implemented without those discussed in Alternative (4), its value would be limited, and discussions in Council were based on the assumption that it would be implemented as a combined measure.

Those in favour of this measure were of the opinion that it would undoubtedly receive the support of the public and organizations

demanding “ban the bottle”. It was therefore most likely to attract the public co-operation essential for the success for the remainder of the program.

They considered that this additional requirement offered the most effective method of reducing glass in litter rapidly and it would also reduce the amount of glass in waste generally.

Arguments against this proposal, apart from those already raised, emphasized the major dislocation and capital investment which would be required for the industry in the changeover of production facilities to reusable bottles.

They pointed out that quick results would not, in fact, be possible because the changeover of production facilities and the utilization of existing stocks of non-reusable bottles would require a delay in the implementation of such a requirement.

They emphasized that in their view a large number of consumers wished to use convenience containers, and this measure would force them to purchase cans. While it would certainly reduce the amount of glass in litter to some degree, it might well result in the replacement of glass containers, including reusable glass containers, by a greater number of cans, which in their opinion, is not a desirable result.

None of the “industry oriented” members were in favour of this approach, though one member was prepared to accept it as a second choice.

It was, however, the first choice of all “consumer oriented” members.

C. Miscellaneous Provisions Discussed

Discussion by the Council was confined to containers for wines and spirits, beer, and carbonated beverages, as these were considered of greatest significance in relation to the litter problem. Milk and food product containers which are not of reusable type are normally discarded with home refuse and do not appear in litter. Other “temporary” containers such as paper or plastic cups would have to be dealt with by the measures described in the basic program along with the remaining elements of litter such as newspapers, cigarette packets, etc.

The application of Alternatives 3,4, and 5 to containers for wines and spirits, and beer, is discussed below.

1. *Wines and Spirits*

A number of objections to the application of the deposit clauses, or requirement for returnability, were raised.

It was stated that present legislation did not permit the utilization of reusable bottles, since they could not be refilled.

Even if this were made possible, it would not be practicable without standardization, which would certainly be out of the question because of the complexity of bottle designs, many of which, being imported, could not in any event be refilled in Canada.

It was also pointed out that many of the more than 400 liquor stores in Ontario were small and would not be capable of collecting returned bottles. In this connection, two significant differences from the situation with carbonated beverages were pointed out. Wine and spirit bottles appear only to a very limited extent in litter, and the deposit even of ten cents would be so small in relation to the total cost of the product that there would be very little inducement to return the empty bottle.

It was generally agreed by Council members that there appeared to be little advantage in applying the relevant clauses of Alternative (3) and (5) in this case.

With respect to the tax clause in Alternative (4), it was argued that even if only a very small proportion of these bottles appear in litter, nevertheless they should pay their share of the cost of clean-up. There appeared to be no valid reason why other containers should be subject to tax, and wine and spirit bottles exempted.

Arguments against the application of the tax clauses emphasized again that wine and spirit containers were a very minor element of litter, and in fact could only appear in litter if existing laws were being broken. It was also pointed out that wines and spirits are already very heavily taxed, and that a tax of six cents could mean a much higher increase in cost to the consumer, because of taxing procedures.

Perhaps more important, the primary purpose of the tax in Alternative (4) is to balance the shelf price of reusable and convenience containers. This would not apply in this case, as none of the bottles are at present reusable.

2. *Beer*

It was accepted that the industry is in a special position because of the present distribution and collection system, their general use of the standard bottle, and the higher shelf price of beer in cans.

It appeared to the Council that because at present less than two per cent of beer sold in Ontario is in cans, and all beer bottled in Ontario is contained in reusable type bottles, and because an average of twenty-five reuses was obtained with the deposit at the present two-cent level, the prospect of further improvement by additional controls was doubtful.

This would not necessarily apply if, for example, beer were to be sold in private stores in addition to the brewers' retail outlets, or if further changes in marketing procedures were to be adopted.

Requirement for the Standardization of all Reusable Containers

This measure was considered as an additional requirement if either Alternatives (4) or (5) were adopted.

It was argued that such a measure would very substantially reduce the chainstores' present reluctance to handle reusable containers, and would make possible return of any carbonated beverage bottle to any store.

Such a provision would not only help to prevent the discard of bottles, but would actively encourage their collection by children, boy scouts, and other organizations.

Opponents of such a measure pointed out that bottle shape is sometimes a trademark which has value as property, and prohibiting its use would mean taking away its value without compensation, and would be discriminatory against firms which have established a public image over the years.

It was also stated that it would take ten years to eliminate the present inventory of non-standard bottles.

Generally, those in favour of either Alternative (4) or Alternative (5) did not consider this requirement essential to their success, and were of the opinion that it need not be recommended at present.

Tax on Non-standard Reusable Containers

This possibility was discussed as an alternative to the requirement for standardization above, and the same general comments apply.

Those in favour considered that it would encourage industry to use standard containers without becoming involved in problems of trademark, inventory, and discrimination.

It was also suggested that the tax could be used to offset the additional handling cost in stores of the non-standard containers.

The proposal was criticized basically on the grounds that it would destroy the balance between shelf price of reusable and convenience container in Alternative (4), and discourage the consumer from purchasing reusables.

It was felt that the problem of handling costs in the store would be dealt with by normal private arrangements.

Generally, Council agreed that this was an undesirable method of encouraging standardization and should not be recommended.

A requirement that if Carbonated Beverages are sold in Reusable Containers in Quantities of Six or More, Cartons shall be Provided in Which the Empty Containers may be Returned

Generally, this was considered an acceptable measure, although it was pointed out that this, in fact, is usually the situation at present. A number of members were doubtful whether the clause could be applied to the larger sizes of bottles.

CONCLUSIONS AND RECOMMENDATIONS

It was not anticipated when the Council was set up that unanimity could be reached about all the measures which might be recommended.

The basic purpose of the Council was to provide a forum for the expression of individual opinions and the dissemination of factual data about a complex and contentious problem. The advice of those likely to be best-informed about the subject and most affected by possible control measures was considered essential to provide the Minister with sufficient information to make possible an assessment of the effectiveness of any such measures and their consequences, taking into account the views of all groups.

An indication of the support provided by members to the various measures examined has been provided in the body of the Report, and it is noteworthy that unanimous agreement was reached by the Council on a very substantial number of measures, including in its entirety the "Basic Program" described.

The Council therefore recommends that the following measures be given very serious consideration by the Minister with a view to their incorporation in legislation or as departmental policy:

- 1) Any person, municipality, or government agency owning or responsible for a public area shall provide adequate numbers of approved types of receptacles for litter located conveniently for use by individuals passing through or making use of the area
- 2) Any person, municipality, or government agency owning or responsible for a public area shall ensure that adequate arrangements are made for the collection and disposal of litter from the receptacles at adequate frequencies by a waste management system approved under The Waste Management Act, 1970
- 3) Any person who sells or offers to sell beer or carbonated beverages in reusable beverage containers in quantities of six or more shall provide cartons in which the empty containers may be returned

- 4) Any person found littering is guilty of an offense and on summary conviction is liable to a fine of not more than \$100
- 5) An information may be laid and a summons issued by means of a ticket, in accordance with detailed regulations, for first offenses
- 6) Any person or municipality who contravenes provisions of the legislation, other than Section 4, is guilty of an offense and on summary conviction is liable to a fine of not more than \$1,000
- 7) The Minister should be given power to make subsidies and grants
 - (i) to any person or municipality to assist in the provision of litter receptacles
 - (ii) to organizations for the purpose of conducting educational campaigns for the preservation of the environment

In addition to these legislative measures, the Council urge that the Minister ensure their full effectiveness by taking whatever steps are necessary to conduct forceful educational public relations and clean-up campaigns, and to provide for the firm enforcement of any regulations made.

The Council also recommends that these measures should be implemented at the earliest possible date if they are accepted.

With respect to additional measures of control, the divergent views of the individual members prevented a single collective recommendation being made by the Council.

The arguments for and against these measures, as summarized from discussions in Council, have been incorporated in Section 9 (B) of this report, and the Council is confident that the opinions expressed will provide the necessary background to enable the Minister to make an informed and impartial decision.

The alternatives to be considered are

1. basic program only

In addition to the basic program either

2. general tax on all goods sold in packaging which is related to the littering problem; or

3. all carbonated beverage containers to be returnable with minimum fixed refund; or
4.
 - a) minimum deposits on reusable carbonated beverage containers
 - b) tax on all non-reusable beverage containers; or
5. in addition to Alternative 4
all glass carbonated beverage containers to be of reusable type.

In conclusion, the members of the Council wish to express their appreciation for the opportunity provided to make their views known. The objectives set out in Section 8 of this Report are subscribed to by all members but one whether they were representative of the public, or industry, or of government.

It is hoped that the range of views presented in relation to the problems associated with beverage containers will help the government to reach an understanding of the likely effects resulting from the use of various strategies.

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